

PROB 12C
(6/96)

United States District Court

for

WESTERN DISTRICT OF TEXAS

FILED
SEP 02 2014
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Adrian Perez

Case Number: A-14-CR-143-LY

Name of Sentencing Judicial Officer: Honorable Jack T. Camp, United States District Judge

Date of Original Sentence: May 27, 2010

Original Offense: Possession with Intent to Distribute at Least 5 Kilograms of Cocaine, in violation of 21 U.S.C. § 841(b)(1)(A)(ii)

Original Sentence: Sixty (60) months custody of the Bureau of Prisons, to be followed by five (5) years supervised release. Special conditions: alcohol/drug treatment, \$100 special assessment, and submit to search and seizure

Type of Supervision: Supervised Release

Date Supervision Commenced: January 4, 2013

Assistant U. S. Attorney: David E. Suchar

Defense Attorney: Kendal D. Silas, FPD

PREVIOUS COURT ACTION

On May 27, 2014, the defendant's case was transferred to the Western District of Texas, Austin Division, from the Northern District of Georgia, Newman Division.

On April 16, 2014, the defendant reported to the probation office and submitted a random urine specimen. When questioned about his drug use, he admitted he had used marijuana within two weeks prior to that date. The urine specimen was forwarded for testing and the specimen resulted negative. On June 18, 2014, the Court signed a Probation Form 12A with a recommendation that no further action be taken against the defendant at that time.

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PETITIONING THE COURT

☒ To issue a warrant

☐ To issue a summons

The probation officer believes that the defendant has violated the following condition(s) of supervision:

Violation of Standard Condition: "While the defendant is on supervised release, pursuant to the judgment, the defendant shall not commit another federal, state, or local crime."

Violation of Standard Condition No. 7: "The defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician, and shall submit to periodic urinalysis tests as directed by the probation officer to determine the use of any controlled substance."

Violation of Standard Condition No. 11: "The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer."

Nature of Non-compliance: On August 3, 2014, the defendant was arrested by the Guadalupe County Sheriff's Office for the offense of Public Intoxication and Possession of Marijuana, less than two ounces. According to the arresting officer, a vehicle was observed parked on the side of the roadway and a male subject, identified as the defendant, was passed out on the driver's side. The vehicle was in park and the defendant's foot was on the accelerator. The officer woke the defendant and instructed him to unlock the door. The defendant had a strong smell of alcohol emitting from his person and his eyes were glossy and bloodshot. He was placed under arrest for Public Intoxication. A search was conducted and the officer found a bag of green leafy substance, later determined to be marijuana. Subsequently, the defendant was charged with Possession of Marijuana under two ounces. The defendant was released from jail on August 3, 2014, after he posted a bond. The Public Intoxication has been filed in the Guadalupe County JP2 and the Possession of Marijuana is pending filing in Guadalupe County Court.

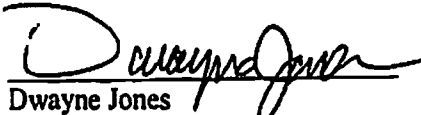
On August 12, 2014, the probation office received an FBI Flash Notice regarding the defendant's arrest on August 3, 2014. The defendant failed to notify the probation officer within 72 hours of being arrested in Guadalupe County, Texas.

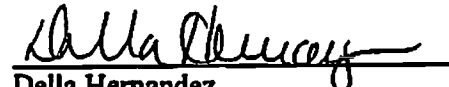
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U. S. Probation Officer Recommendation: The term of supervision should be revoked.

Approved by,

Respectfully submitted,


Dwayne Jones
Supervising U.S. Probation Officer


Della Hernandez
Senior U.S. Probation Officer
Date: 8/27/2014

Received by,


Gregg Sofer
Assistant U.S. Attorney

☒ recommend

☐ does not recommend

Justification: _____

THE COURT ORDERS:

[] No Action

☒ The Issuance of a Warrant

[] The Issuance of a Summons

[] Other


Honorable Mark Lane
U.S. Magistrate Judge

Date

9-2-2014